

Eagle Ventures LLC
5024 W Main Street
PO Box 235
Eagleville, Missouri 64442

Phone: (660)-867-5412
Fax: (660)-867-5445

December 16, 2008

**PETITION FOR RECONSIDERATION
OF FINAL AGENCY ORDER**

FMCSA - 2008-0409

DEPT. OF TRANSPORTATION
PROCESSES

EAGLE VENTURES, LLC
5024 W MAIN ST
EAGLEVILLE, MO, 64442

Re: Case Number: MO-2008-0188-US1320
US DOT#: 389085

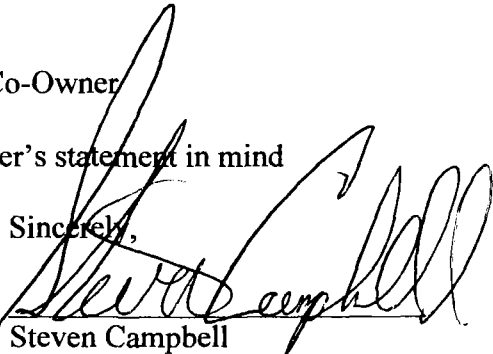
Dear Sirs or Madams:

This is a petition for reconsideration of the Final Agency Order, filed in accordance of 49
C.F.R. § 386.7 with the Assistant Administrator.

Please see the attached statement from our Co-Owner

Please reconsider our case with the Co-Owner's statement in mind

Sincerely,


Steven Campbell
Director of Federal Compliance
Eagle Ventures LLC
5024 W Main St
PO Box 235
Eagleville, Missouri 64442

Gary Campbell
Co-Owner
Eagle Ventures LLC
5024 W Main
PO Box 235
Eagleville, Missouri 64442

Phone: (660)-867-5412
Fax: (660)-867-5445

STATEMENT

Re: Case Number: MO-2008-0188-US1320
US DOT#: 389085

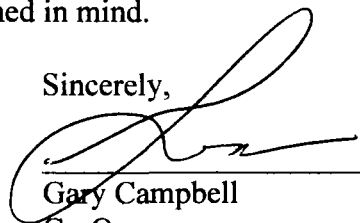
Dear Sirs or Madams:

This letter is in response to the Notice of Default and Final Agency Order. We at Eagle Ventures feel that this fine is exceptionally excessive and violates our Eighth Amendment rights, in that this is an "excessive fine." We feel that to be required to pay this fine will force us to file bankruptcy and thereby release from employment some seven (7) drivers and two (2) office staffers. This will also result in the default of several loans made to purchase equipment, such as tractors and trailers.

Being the small fleet that we are, we do not generate enough income to pay this fine and all of our other monthly expenditures, both foreseen and unforeseen. We also feel that our demise would be of hurt to the community in the form of taxes not received, both from us and our employees.

Please reconsider our case with the afore mentioned in mind.

Sincerely,



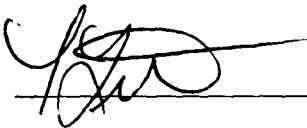
Gary Campbell
Co-Owner
Eagle Ventures LLC
5024 W Main
PO Box 235
Eagleville, Missouri 64442

CERTIFICATE OF SERVICE

This is to certify that on December 16, 2008, the undersigned mailed or delivered, as specified, the designated number of copies of the **Petition For Reconsideration of Final Agency Order** to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

U.S. Department of Transportation Docket Operations, M-30 West Building Ground Floor, Room W12-140 1200 New Jersey Avenue, SE Washington, DC 20590	One Copy by: USPS Certified Mail Number: 70080150000133940360
Joseph Boyd, Division Administrator Missouri Division U.S. Department of Transportation Federal Motor Carrier Safety Administration 3219 Emerald Lane, Suite 500 Jefferson City, MO 65109	One Copy by: USPS Certified Mail Number: 70080150000133940377
Trial Attorney Federal Motor Carrier Safety Administration Midwestern Service Center 19900 Governors Drive Suite 210 Olympia Fields, IL 60461	One Copy by: USPS Certified Mail Number: 70080150000133940384
U.S. Department of Transportation Federal Motor Carrier Safety Administration FMCSA Docket Clerk Midwestern Service Center 19900 Governors Drive Suite 210 Olympia Fields, IL 60461	One Copy by: USPS Certified Mail Number: 70080150000133943091





U.S. Department of
Transportation

**Federal Motor Carrier
Safety Administration**

Midwestern Service Center

FEDEX
7961 1897 1980

November 17, 2008

19900 Governors Drive, Suite 210
Olympia Fields, IL 60461

Phone: (708) 283-3577
Fax: (708) 283-3565

**NOTICE OF DEFAULT
AND
FINAL AGENCY ORDER**

**EAGLE VENTURES, LLC
5024 W MAIN ST
EAGLEVILLE, MO, 64442**

**Re: Case Number: MO-2008-0188-US1320
US DOT#: 389085**

Dear Sir or Madam:

This letter is a notice of default and final agency order ("Order"), and demand for payment of the outstanding debt owed to the United States Department of Transportation, Federal Motor Carrier Safety Administration, for violation(s) of Federal Motor Carrier Safety Regulations, Hazardous Material Regulations, and/or Federal Motor Carrier Commercial Regulations.

EAGLE VENTURES, LLC was notified of the proposed penalty assessment in the amount of **\$11,980.00** by a Notice of Claim served on EAGLE VENTURES, LLC on October 9, 2008.

Pursuant to 49 C.F.R. § 386.14(c), because EAGLE VENTURES, LLC failed to reply to the Notice of Claim within thirty (30) days of the service of the Notice of Claim, EAGLE VENTURES, LLC is in default. The default causes the Notice of Claim, including the civil penalty proposed in the Notice of Claim, to automatically become the Final Agency Order in this proceeding. The Final Agency Order is effective five (5) days after the service of this Order. **In this case the Final Agency Order is effective on November 22, 2008.** The default constitutes an admission of all facts and violations alleged in the Notice of Claim and a waiver of EAGLE VENTURES, LLC's opportunity to contest the claim. These violations shall constitute a history of prior offenses in any future civil penalty proceeding and may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

Payment of the outstanding balance in the amount of **\$11,980.00** is due and payable on **November 22, 2008**. You may pay electronically through our SAFER website at <http://safer.fmcsa.dot.gov> by selecting "Online Fine Payment" option under the FMCSA Service section. Alternatively, you can mail

your cashier's check, certified check or money order payable to the **Federal Motor Carrier Safety Administration**. The payment should be mailed to:

Federal Motor Carrier Safety Administration
Midwestern Service Center
19900 Governors Drive, Suite 210
Olympia Fields, IL 60461

Pursuant to 49 C.F.R. § 386.14(c)(3), failure to pay the civil penalty as directed in this Order constitutes a violation of the Order, and subjects EAGLE VENTURES, LLC to additional penalties as prescribed in the regulations. Additionally, EAGLE VENTURES, LLC may be liable for interest and administrative penalties.

If EAGLE VENTURES, LLC fails to pay this debt, EAGLE VENTURES, LLC will be prohibited from operating in interstate commerce pursuant to 49 C.F.R. § 386.83. If EAGLE VENTURES, LLC is registered as a for-hire motor carrier, freight forwarder, or broker, EAGLE VENTURES, LLC's registration will be suspended in accordance with 49 C.F.R. § 386.84. EAGLE VENTURES, LLC may, in accordance with State laws, be subject to additional penalties such as suspension and/or revocation of State vehicle registration privileges. Additionally, the Order will be referred to the United States Department of Treasury for collection, and may also be referred to the Attorney General for an action to be brought in the United States District Court to enforce the Final Agency Order and collect the civil penalty.

Pursuant to 49 C.F.R. § 386.64, EAGLE VENTURES, LLC may file a petition for reconsideration of the Final Agency Order within 20 days after the service of this Order. The original petition for reconsideration must be filed in accordance with 49 C.F.R. § 386.7 with the Assistant Administrator by personal delivery or mail addressed as follows:

U.S. Department of Transportation
Docket Operations, M-30
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590

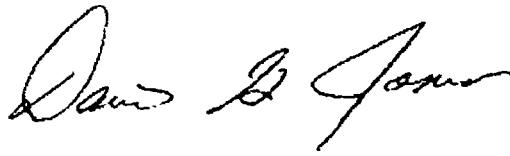
Copies of the petition for reconsideration must also be served on all persons listed in the Certificate of Service of this Notice of Default and Final Agency Order, pursuant to 49 C.F.R. §§ 386.6 and 386.7. The petition must include the following, which must also be provided to all persons on the Certificate of Service:

- (a) A copy of the Notice of Claim served on **October 9, 2008** in this case,
- (b) A copy of the Notice of Default and Final Agency Order served on **November 17, 2008**,
- (c) All evidence you are relying upon in support of the petition for reconsideration,^[1] and
- (d) A Certificate of Service as required by 49 C.F.R. § 386.6(c).^[2]

Pursuant to 49 C.F.R. § 386.64(b), the only issue that will be considered upon reconsideration by the Assistant Administrator is whether a default has occurred under 49 C.F.R. § 386.14(c). The Final Agency Order may be vacated (set aside) where you can demonstrate excusable neglect, a meritorious defense, or due diligence in seeking relief to the Notice of Claim. If EAGLE VENTURES, LLC files a petition for reconsideration in accordance with 49 C.F.R. § 386.64, the entire action will be stayed unless the Assistant Administrator orders otherwise.

For questions regarding this Order, you may contact an Enforcement Program Specialist at (708) 283-3577.

Sincerely,

A handwritten signature in black ink, appearing to read "Darin G. Jones". The signature is fluid and cursive, with the first name "Darin" being the most prominent.

Darin G Jones, Field Administrator
Federal Motor Carrier Safety Administration
Midwestern Service Center
19900 Governors Drive, Suite 210
Olympia Fields, IL 60461

[1] All written evidence shall be submitted in the following forms: (a) a written statement of a person having personal knowledge of the facts alleged, or (b) documentary evidence in the form of exhibits attached to a written statement identifying the exhibit and giving its source. See 49 C.F.R. § 386.49.

[2] A Certificate of Service shall accompany all documents served in a Civil Penalty Proceeding under 49 C.F.R. § 386. The certificate of service must show the date and manner of service, be signed by the person making service, and list the persons served. See 49 C.F.R. § 386.61(c).



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Midwestern Service Center

FedEx 7901 0705 0157

19900 Governors Drive
Suite 210
Olympia Fields, IL 60461-1021

Phone: (708) 283-3555
Fax: (708) 283-3565

October 9, 2008

Gary Campbell, Co-owner
Eagle Ventures, LLC
5024 W Main St
Eagleville, MO 64442

NOTICE OF CLAIM¹ -- Violations of 49 CFR § 382.301(a).

CIVIL PENALTY: \$11,980

Case Number: MO-2008-0188-US1320

US DOT Number: 389085

Dear Mr. Campbell:

A compliance review was conducted at Eagleville, Missouri on July 24, 2008. The purpose of this review was to determine your compliance with the Federal Motor Carrier Safety Regulations (FMCSR), the Federal Hazardous Materials Regulations (HMR), and the Federal Motor Carrier Commercial Regulations (FMCCR).

As a result of this review, violations were discovered. This letter constitutes a Notice of Claim by the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) against Eagle Ventures, LLC for the amount of \$11,980.

Unless settled or otherwise resolved in a manner set forth below, the FMCSA can recover these penalties, with interest and costs, in a civil action brought in a United States District Court. Additional collection efforts may include, but are not limited to: Internal Revenue Service offsets against tax refunds, and the referral to and the use of collection agencies to collect penalties. **Also, under 49 Code of Federal Regulations (CFR) §§ 386.83 and 386.84, once a final order has been issued, the FMCSA may prohibit Eagle Ventures, LLC from operating in interstate commerce until the civil penalty is paid in full and, if applicable, your FMCSA registration will be suspended.**

1) A Notice of Claim is the official charging document used by the Federal Motor Carrier Safety Administration to initiate a civil action for violations of Federal Laws

SUMMARY OF VIOLATIONS

company is charged with:

1. Two (2) violations of 49 CFR § 382.301(a)- Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

A copy of the documentary evidence collected during the investigation is available from this office. Upon request, the FMCSA will forward a copy of this evidence within a reasonable period of time. For additional details see the attached "Statement of Charges."

NOTICE OF ABATEMENT

This letter also constitutes a Notice of Abatement of all violations. In order to ensure that these violations cease, your company must take the following actions:

1. Do not allow a driver to perform a safety-sensitive function until the driver submits to a pre-employment controlled substances test and a negative test result is obtained, in accordance with 49 CFR Part 382.

Failure to Abate Cited Violations

Failure to abate the cited violations could cause penalties to be increased in future enforcement actions. Under Section 222 of the Motor Carrier Safety Improvement Act of 1999, recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49 of the Code of Federal Regulations) that result in three or more enforcement actions within a six-year period will cause the maximum penalties allowed by law to be assessed for the third and subsequent enforcement actions. Any violations with a checkmark in the "§ 222 Applied" column in the penalty table below are subject to this "Section 222" provision and the maximum penalties have been assessed. See 49 USC § 521 note, 49 USC § 521(b), 49 USC § 5123, 49 USC Chapter 149, and 49 CFR Part 386, Appendix A.

PENALTY

Penalty Factors for Violations of Safety and Hazardous Materials Regulations

In accordance with 49 USC §§ 521(b)(2)(D) and 5123(c), the FMCSA must, before proposing or claiming a civil penalty, take into consideration the nature, circumstances, extent, and gravity of the violation committed and with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. The civil penalty proposed shall be calculated to induce compliance. These factors will not be considered, however, for violations subject to the Section 222 provision described above.

Penalty Factors for Violations of Commercial Regulations

In the case of violations of the commercial regulations FMCSA also is not required by statute to consider the Section 521 factors. However, before proposing penalties for violations of the

commercial regulations (more specifically the transportation of household goods), 49 U.S.C. § 14901 (c) requires FMCSA to take into consideration the degree of culpability, any prior history of such conduct, the degree of harm to shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the civil penalty proceeding, and such other matters as fairness may require.

Discovered Versus Charged Violations

Violations of either safety or hazardous materials regulations discovered during the course of the compliance review, but not proposed for penalty in this Notice of Claim, may have increased the civil penalty claimed for the violations charged in this Notice of Claim. The violations found in Table 1, as attached to this Notice of Claim, detail the violations discovered during our review inspection.

History of Prior Violations

Your history of prior violations of the FMCSRs, HMRs and or FMCCRs, where applicable, also may have increased the civil penalty beyond that which would have otherwise been proposed in this Notice of Claim. [The following enforcement actions have been considered in the calculation of the civil penalty proposed herein:]

MO-2007-0116-US0872

A listing of the statutes governing maximum and minimum penalties for violations of specific regulations is enclosed.

Given the statutorily mandated items listed above, the FMCSA is proposing a civil penalty as follows:

<u>VIOLATION</u>	<u>TYPE OF VIOLATION²</u>	<u>NUMBER OF COUNTS</u>	<u>ASSESSMENT PER COUNT</u>	<u>\$222 APPLIED</u>	<u>TOTAL</u>
382.301(a)	NR	2	\$5,990.00		\$11,980.00

Accordingly, the total amount assessed by the Federal Government as the result of these violations is \$11,980.

HOW TO REPLY TO THE NOTICE OF CLAIM

Under 49 CFR Part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings," you have specific rights with respect to this Notice of Claim. You are advised to carefully read Part 386 and follow the course of action appropriate for you in this case. A copy of Part 386 is attached to this Notice of Claim for your information. You may wish to seek legal counsel for answers to any questions in reference to this Notice of Claim or procedures under Part 386. DO NOT call the FMCSA Service Center or the Chief Counsel's office for advice or assistance in your defense. You may pursue the following courses of action:

(1) **PAYMENT OF PENALTY:** Within 30 days of service of this Notice of Claim: (a) Pay the assessed penalty in full, or (b) Establish a monthly payment plan by contacting an Enforcement

2) CDL=Commercial Driver's License, FR=Financial Responsibility, HM=Hazardous Materials (the total penalty assessed is per citation, not per number of counts), NO=Notice and Orders, NR=Nonrecordkeeping, R=Recordkeeping, COM=Commercial Regulations

Specialist (NOTE: A payment plan may be available for respondents who demonstrate financial difficulty), or (c) Contact an Enforcement Specialist outlining in writing compelling reasons why the assessed penalty should be reduced and discuss potential settlement. You may be required to submit a current, certified balance sheet or other evidence of assets and liabilities. An Enforcement Specialist can be reached at (708)283-3555. If you pay the full penalty within thirty (30) days of service of this Notice of Claim, you do not need to file a written Reply to the Notice of Claim.

You may pay the fine electronically through our SAFER website at <http: safer.fmcsa.dot.gov> by selecting "Online Fine Payment."

Alternatively, you may pay by cashier's check, certified check, or money order made payable to the FMCSA and mailed to:

United States Department of Transportation
Federal Motor Carrier Safety Administration
Midwestern Service Center
19900 Governors Drive
Suite 210
Olympia Fields, IL 60461-1021

Personal or company checks will not be accepted and will be returned.

Payment of the penalty will constitute admission of the violation(s) set forth in the Notice Claim and these violations shall constitute prior offenses under either 49 USC § 521(b)(2)(D) (for violations of the Federal Motor Carrier Safety Regulations), 49 USC § 14901(c) (for violations of the Federal Motor Carrier Commercial Regulations involving transportation of household goods) or 49 USC § 5123(c) (for violations of the Hazardous Materials Regulations) unless you proceed under the provisions of 49 C.F.R. § 386.18(c). These offenses may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

(2) REQUEST FOR ADMINISTRATIVE ADJUDICATION: You may contest the claim and request Administrative adjudication. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim.

Your Reply must be in writing, and clearly state the grounds for contesting the Notice of Claim, and must state any affirmative defenses you intend to assert. You must separately admit or deny each violation alleged in this Notice of Claim. Any allegations in the Notice of Claim not specifically denied in the Reply will be deemed admitted. A general denial of the claim is insufficient and may result in a default being entered by the Assistant Administrator. Your Reply must include a statement selecting one of the options for administrative adjudication available under 49 CFR § 386.14(d)(1)(iii). Once you select an adjudication option, you are bound by that selection.

You must serve your reply on all persons listed in the Certificate of Service attached to this Notice of Claim and in accordance with the requirements of 49 CFR § 386.6.

(a) REQUEST TO SUBMIT EVIDENCE AND ARGUMENT WITHOUT HEARING: (§§ 386.14 (a), 386.14(d)(1)(iii)(A), 386.16(a)). You may contest the allegations in the Notice of Claim without a formal hearing. To do so, you must serve notice of your intention to proceed in this manner by filing a written Reply within thirty (30) days after service of this Notice of Claim. Service of your Reply and

Notice of Intent to Submit Evidence and Argument without Hearing must be made upon all representatives listed in the Service List that is attached to this Notice of Claim. If you choose this option, the FMCSA Field Administrator for this Service Center is required to serve all written evidence and written argument on each party listed on the Service List and on the Assistant Administrator for the Federal Motor Carrier Safety Administration within 60 days of the service date of this Notice of Claim. No later than 45 days following service of the Field Administrator's evidence, you must then serve your evidence upon all representatives listed in the Service List attached to the Field Administrator's evidence. The Field Administrator may, within 20 days of your filing, respond to your submission of evidence. All evidence must be in the form described in 49 CFR § 386.49, Form of Written Evidence. The Assistant Administrator for the Federal Motor Carrier Safety Administration may issue a Final Agency Order based on the evidence and arguments submitted by both of the parties, or may issue any other order necessary to reach a decision in the matter.

(b) REQUEST FOR A FORMAL HEARING: (§§ 386.14(a), 386.14(d)(1)(iii)(C), 386.16(b)(3)).

You may request a hearing on the record before an Administrative Law Judge on any material issues of fact in dispute. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim. Service of the Reply and Request for Hearing must be made upon all representatives listed in the Service List that is attached to this Notice of Claim. If you choose this option, the Field Administrator will file a notice of consent or objection with basis to your request for hearing within 60 days of service of your Reply. If the Field Administrator files an objection with basis to your request for hearing, the Field Administrator must, then or at a later time, file a Motion for Final Order. No later than 45 days following service of the Field Administrator's Motion for Final Order, you must serve your response upon all representatives listed in the Service List attached to the Field Administrator's Motion. Before a formal hearing will be granted, the Assistant Administrator must determine whether there exists a dispute of a material fact at issue in the matter. After reviewing the record, the Assistant Administrator will either refer the matter to the Office of Hearings for hearing or issue a Final Agency Order based upon the written record.

(c) REQUEST FOR AN INFORMAL HEARING: (§§ 386.14(a), 386.14(d)(1)(iii)(B), 386.16(b)(4)).

You may request an informal hearing before a hearing officer on any material issues of fact in dispute. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim. By requesting an Informal Hearing, you will waive your right to request a formal hearing before an Administrative Law Judge. The Field Administrator will file a notice of consent or objection with basis to your request for an informal hearing within 60 days of service of your Reply. The Assistant Administrator will issue an order granting or denying the request for informal hearing. Before an informal hearing will be granted, the Assistant Administrator must determine whether there exists a dispute of a material fact at issue in the matter. If the informal hearing is granted, the Assistant Administrator will assign the matter to a Hearing Officer. At hearing, both you and the FMCSA will present evidence to the Hearing Officer. After the evidence has been presented, the Hearing Officer will issue a report to the Assistant Administrator containing the findings of fact and recommended disposition of the matter. The Hearing Officer's report will be the only written record of the informal hearing. The Assistant Administrator may issue a Final Agency Order adopting the report, or issue any other Order as appropriate. If your request for an informal hearing is denied by the Assistant Administrator, the Field Administrator will serve a Motion for Final Agency Order. No later than 45 days following service of the Field Administrator's Motion for Final Order, you must serve your

response upon all representatives listed in the Service List attached to the Field Administrator's Motion. After reviewing the record, the Assistant Administrator will refer the matter to the Office of Hearings for a formal hearing, or will issue a Final Agency Order based upon the written record.

(3) REQUEST FOR BINDING ARBITRATION: If you dispute **only** the amount of the civil penalty and/or the length of time to pay, you can select to have the civil penalty amount adjudicated through FMCSA's binding arbitration program. You should notify the FMCSA of your request in writing when you submit your Reply. The Assistant Administrator will determine if your case is appropriate for binding arbitration. You will be notified in writing of the Assistant Administrator's decision regarding your request. You may choose binding arbitration if the only issues that you dispute are the amount of the civil penalty and or the length of time to pay. FMCSA's guidance on the use of binding arbitration is available through the following link: <<http://www.fmcsa.dot.gov>>. You can also request a copy of the guidelines from the Service Center.

YOU MUST CERTIFY THAT YOUR REPLY HAS BEEN SERVED IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED WITHIN 49 CFR § 386.6.

THE SPECIFIC RIGHTS PROVIDED FOR IN 49 CFR § 386.14 MAY BE WAIVED IF YOU FAIL TO SUBMIT A WRITTEN REPLY WITHIN THIRTY (30) DAYS AFTER THE SERVICE OF THIS NOTICE OF CLAIM.

FAILURE TO REPLY TO THE NOTICE OF CLAIM IN THE **EXACT** MANNER SPECIFIED IN 49 CFR § 386.14 MAY BE TREATED AS IF NO REPLY HAS BEEN FILED. UNDER 49 CFR § 386.14(c), A FAILURE TO REPLY MAY CAUSE THE FMCSA TO ISSUE A NOTICE OF DEFAULT AND FINAL AGENCY ORDER THIRTY (30) DAYS AFTER THIS NOTICE OF CLAIM IS SERVED. THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER WILL DECLARE YOU TO BE IN DEFAULT AND DECLARE THE NOTICE OF CLAIM, INCLUDING THE CIVIL PENALTY PROPOSED IN THE NOTICE OF CLAIM, TO BE THE FINAL AGENCY ORDER IN THE PROCEEDINGS. THE FINAL AGENCY ORDER WILL BECOME EFFECTIVE FIVE (5) DAYS AFTER THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER IS SERVED. THE DEFAULT WILL CONSTITUTE AN ADMISSION OF ALL FACTS ALLEGED IN THE NOTICE OF CLAIM AND A WAIVER OF YOUR OPPORTUNITY TO CONTEST THE CLAIM.

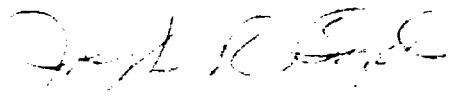
A GENERAL DENIAL DOES NOT MEET THE REQUIREMENTS OF 49 CFR § 386.14(d)(1). UNLESS YOUR REPLY COMPLIES WITH THE REQUIREMENTS OF 49 CFR § 386.14(d)(1), THE ASSISTANT ADMINISTRATOR MAY ENTER A DEFAULT AGAINST YOU.

IF YOU DO NOT UNDERSTAND OR ARE CONFUSED ABOUT YOUR RIGHTS AND OBLIGATIONS AS OUTLINED WITHIN THIS NOTICE OF CLAIM, YOU MAY WISH TO SEEK LEGAL ADVICE.

Case Number: MO-2008-0188-US1320

Copies of the procedural regulations, applicable statutes and the Service List are enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph R. Boyd", written in a cursive style.

Joseph R. Boyd
Division Administrator, Missouri Division
Federal Motor Carrier Safety Administration

Enclosures

APPLICABLE STATUTES

Section 521(b)(2)(A) of 49 USC provides that any person who is determined to have committed an act that is a violation of regulations issued under subchapter III of chapter 311 (49 USC §§ 31131 et seq.) (except sections 31138 and 31139) or 49 USC §§ 31301 and 31306, or section 31502 of 49 USC, shall be liable for a civil penalty in an amount not to exceed \$11,000 for each offense. No civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding \$2,750 (49 USC § 521(b)(2)(A) and 68 Fed. Reg. 15381 (March 31, 2003)). Section 5123(a) of 49 USC provides that any person who is determined to have committed an act that is a violation of regulations issued under chapter 51 shall be liable for a civil penalty in an amount not to exceed \$50,000 (71 FR 8487; February 17, 2006) for each offense. If the violation results in death, serious illness, or severe injury to any person, or in substantial destruction of property, the civil penalty may be increased to not more than \$105,000 for each offense (72 FR 55102; September 28, 2007).

Section 521(b)(2)(B)(ii) of 49 USC provides for a maximum civil penalty of \$10,000 for anyone who knowingly falsifies, destroys, mutilates, or changes a required report or record, knowingly files a false report with the Secretary, knowingly makes or causes or permits to be made a false or incomplete entry in a record about an operation or business fact or transaction, or knowingly makes, prepares or preserves a record in violation of a regulation or order of the Secretary, if any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation. (49 USC § 521(b)(2)(B)(ii); August 10, 2005).

STATEMENT OF CHARGES

Violation 1 --- 49 CFR 382.301(a) - Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

CHARGE #1:

On or about 03/07/2008, Eagle Ventures LLC allowed its driver, Peter Spagnotti, to perform a safety-sensitive function in that the driver drove a commercial motor vehicle in commerce from Cedar Rapids, IA, to Eagleville, MO., before the carrier received a negative pre-employment controlled substances test result.

CHARGE #2:

On or about 06/10/2008, Eagle Ventures, LLC allowed its driver, Eric Milligan, to perform a safety-sensitive function in that the driver drove a commercial motor vehicle in commerce from Eagleville, MO to Millerton, IA., before the carrier received a negative pre-employment controlled substances test result.

TABLE 1: VIOLATIONS DISCOVERED DURING REVIEW INSPECTION

NUMBER	VIOLATION	IDENTIFYING INFORMATION DRIVER EQUIPMENT COMMODITY	DATE OF VIOLATION
1	49 CFR 382.301(a)	Luke Plymell Unit 40 Syrup	05 18 2008
2	49 CFR 382.301(a)	Peter Spagnotti Unit 37 Wet Feed	03 07 2008
3	49 CFR 382.301(a)	Eric Milligan Unit 39 Hay	06 10 2008